

APPLICATION AND PERMIT FOR RIGHT-OF-WAY FACILITY ENCROACHMENT

To: City of Brookhaven Department of Public Works

200 Ashford Center North, Suite 150

Atlanta, GA 30338

Phone: (404) 637-0524

jada.drysdale@brookhavenga.gov

Contractor Project Reference# _____

Application is hereby made by: _____

(Mailing Address)

For permission to construct, operate, and maintain the following described installation within the public rights of way for _____

Road in the City of Brookhaven, at the following described location: _____

in accordance with the attached plan and subject to the rules, regulations, and any special requirements set forth herein. All general and special provisions shown on the reverse side shall be observed during the installation, operation, and maintenance of said facilities. Descriptions of facility to be installed (sketch attached): _____

Trench in pavement:	_____ x _____	Trench Outside Pavement:	_____ x _____
	(Length) (Width)		(Length) (Width)
Number of bores under roadway:	_____	Total length of bores:	_____
Number of poles (Wood):	_____	Number of poles (Steel):	_____
Estimated Date of Completion:	_____	Size & Specification of Pipe:	_____ x _____
			(Length)
Special Requirements:	_____		

Permit requested this _____ day of _____, 20____

By: _____
(Signature)

Name: _____

Title: _____

24 Hour Emergency Number: _____

Permission is granted to make the above described Right-of-Way Encroachment in accordance with the plans and provisions hereof. This permit is to be strictly construed and no work other than that specifically described above is hereby authorized – subsequent normal maintenance excepted. Permit approved this _____ day of _____, 20____

CITY OF BROOKHAVEN PUBLIC WORKS

By: _____
(Director)

CALL PUBLIC WORKS 24 HOURS PRIOR TO BEGINNING WORK

For City Use Only-- Right-of-Way Permit #: _____

GENERAL PROVISIONS

1. IT IS EXPRESSLY STIPULATED THAT THIS PERMIT IS A LICENSE FOR PERMISSIVE USE ONLY AND THE PLACING OF FACILITIES UPON PUBLIC PROPERTY PURSUANT TO THIS PERMIT SHALL NOT OPERATE TO CREATE OR VEST ANY PROPERTY RIGHTS IN HOLDS.
2. PRIOR TO THE INITIATION OF ANY WORK UNDER THIS PERMIT, THE APPLICANT SHALL DETERMINE THE LOCATION OF ANY AND ALL OTHER INSTALLATIONS FOR UTILITIES UPON, OVER OR ACROSS THE RIGHT – OF – WAY AND SHALL INSTALL, OPERATE AND MAINTAIN THE FACILITIES IN SUCH A MANNER AS NOT TO DAMAGE OR INTERFERE WITH THE OPERATION OF ITS EXISTING FACILITIES.
3. WHENEVER NECESSARY FOR THE CONSTRUCTION, REPAIR, IMPROVEMENT, MAINTENANCE, SAFE AND EFFECTIVE OPERATION, ALTERATION OR RELOCATION OF ALL OR ANY PORTION OF THE ROADWAY OR OTHER COUNTY FACILITIES AS DETERMINED BY THE CITY OF BROOKHAVEN, ANY OF ALL SAID FACILITIES AND APPURTENANCES AUTHORIZED HEREUNDER SHALL BE IMMEDIATELY REMOVED FROM THE RIGHT – OF – WAY OR RESET OR RELOCATED THEREON, AS REQUIRED BY THE CITY OF BROOKHAVEN, AND AT THE SOLE EXPENSE OF THE PERMITTEE UNLESS REIMBURSEMENT IS AUTHORIZED BY SEPARATE AGREEMENT. SHOULD THE PERMITTEE FAIL TO REMOVE OR RELOCATE FACILITIES, UPON – DUE NOTICE FROM THE CITY, PERMITTEE SHALL BE LIABLE FOR ANY EXTRAORDINARY COST OR DAMAGES INCURRED BY THE CITY OF BROOKHAVEN AS RESULT THEREOF.
4. APPLICANT AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY OF BROOKHAVEN AND ALL OFFICERS, EMPLOYEES OR AGENTS OF THE CITY OF BROOKHAVEN OR ANY POLITICAL SUBDIVISION THEREOF, AGAINST ANY AND ALL CLAIMS, DAMAGES, DEMANDS ACTIONS, CAUSES OF ACTION, COSTS AND EXPENSES OF WHATSOEVER NATURE, WHICH MAY RESULT FROM ANY INJURY TO, OR THE DEATH OF ANY PERSONS, OR FROM THE LOSS OF OR DAMAGE TO, PROPERTY OF ANY KIND OR NATURE, WHEN SUCH INJURY, DEATH, LOSS OR DAMAGE ARISES OUT OF THE CONSTRUCTION OPERATION, MAINTENANCE, REPAIR, REMOVAL OR RELOCATION OF THE FACILITIES COVERED BY THIS PERMIT.
5. THE CITY OF BROOKHAVEN, ITS ENGINEERS, OFFICERS OR EMPLOYEES SHALL NOT BE HELD RESPONSIBLE OR LIABLE FOR INJURY OR DAMAGE THAT MAY OCCUR TO FACILITIES COVERED BY THIS PERMIT, OR TO ANY CONNECTION OR CONNECTIONS THERETO, BY REASON OF CITY MAINTENANCE AND CONSTRUCTION ACTIVITIES OR CITY CONTRACTOR OR PERMITTEE OPERATIONS. THE CITY OF BROOKHAVEN'S CONTRACTOR SHALL NOT BE HELD LIABLE FOR ANY DAMAGE THAT MAY OCCUR TO UTILITY FACILITIES IF THE PERMITTEE HAS BEEN NOTIFIED OF A CONSTRUCTION CONFLICT AND GIVEN REASONABLE TIME TO MARK OR RELOCATE ITS FACILITIES BUT HAS FAILED TO DO SO.

THE FACILITY OWNER SHALL BE RESPONSIBLE FOR INTERFACING WITH UTILITIES PROTECTION CENTER (UPC) TO DETERMINE NOTIFICATION.

6. IF THE CITY OF BROOKHAVEN UNDERTAKES TO IMPROVE THIS ROADWAY OR OTHER COUNTY OWNED FACILITIES IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE TO PLAN WITH THE CITY OF BROOKHAVEN AND ITS CONTRACTOR A SCHEDULE WHICH WILL CLEARLY SET FORTH AT WHICH STATE OF OPERATIONS THE PERMITTEE WILL BE REQUIRED TO PERFORM ANY ADJUSTMENT TO ITS FACILITIES NECESSARY TO ACCOMMODATE THE CITY IMPROVEMENTS.
7. DURING THE INITIAL INSTALLATION OR CONSTRUCTION OF FACILITIES AUTHORIZED BY THIS PERMIT, OR DURING ANY FUTURE REPAIR, REMOVAL OR RELOCATION THEREOF OR ANY MISCELLANEOUS OPERATIONS. THE PERMITTEE SHALL, AT ALL TIMES, MAINTAIN FLAGMAN, SIGNS, LIGHTS, FLARES, BARRICADES, AND OTHER SAFETY DEVICES IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND AS MAY BE NECESSARY TO PROPERLY PROTECT TRAFFIC UPON THE ROADWAY AND TO WARN AND SAFEGUARD THE PUBLIC AGAINST INJURY OR DAMAGE.
8. IT IS EXPRESSLY PROVIDED THAT WITH RESPECT TO ANY LIMITED ACCESS HIGHWAY, THE PERMITTEE SHALL NOT HAVE OR GAIN DIRECT ACCESS, WHETHER INGRESS OR EGRESS, FROM THE MAIN TRAVELED WAY OF SAID HIGHWAY OR ITS ON OR OFF RAMP TO ANY FACILITIES AUTHORIZED BY THE PERMIT EXCEPT UPON SPECIFIC APPROVAL BY THE CITY OF BROOKHAVEN.
9. IT IS THE APPLICANT'S RESPONSIBILITY TO VERIFY THE LIMITS OF PUBLIC RIGHT-OF-WAY AND PERFORM LAND SURVEYING IF NECESSARY FOR LOCATION OF THE UTILITY FACILITIES AUTHORIZED HEREBY.
10. NO INHERENT OR RETAINED RIGHT OR PRIVILEGE OF ANY ABUTTING PROPERTY OWNER IS AFFECTED BY THIS PERMIT NOR IS THE CITY OF BROOKHAVEN RESPONSIBLE FOR ANY CLAIM WHICH MAY DEVELOP BETWEEN THE PERMITTEE AND ANY PROPERTY OWNER CONCERNING THE USE OF THE RIGHT-OF-WAY. PERMITTEE IS RESPONSIBLE FOR MAINTAINING REASONABLE ACCESS TO PRIVATE DRIVEWAYS DURING INSTALLATION OF ITS FACILITIES AND FOR RESTORATION OF DRIVEWAYS TO THE OWNER'S SATISFACTION. THE PERMITTEE WILL BE REQUIRED TO REPLACE ANY DISTURBED AREA WITH "IN KIND" MATERIALS THROUGHOUT ENTIRE PERMIT AREA UNLESS A SATISFACTORY REPLACEMENT IS APPROVED BY THE COUNTY AND ABUTTING PROPERTY OWNERS.
11. APPROVAL OF THIS PERMIT DOES NOT CONSTITUTE APPROVAL OF DESIGN (OR CONSTRUCTION DETAILS FOR THE PROPOSED FACILITIES). APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE GOVERNMENTAL CODES AND REGULATIONS.

12. USE OF EXPLOSIVES WITHIN THE COUNTY RIGHT-OF-WAY IS PROHIBITED UNLESS APPROVED BY SEPARATE PERMIT.
13. APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING APPROVALS FOR THE PROPOSED INSTALLATION WHICH MAY BE REQUIRED BY ANY LOCAL GOVERNMENT OR AGENCY ON ROADS OR STREETS UNDER THEIR JURISDICTION.
14. PERMITTEE SHALL GIVE THE CITY OF BROOKHAVEN A MINIMUM OF 24 HOURS NOTICE PRIOR TO BEGINNING ANY WORK UNDER THIS PERMIT.
15. THIS PERMIT SHALL BE VOID UNLESS WORK HEREUNDER IS BEGUN WITHIN NINETY (90) DAYS OF THE DATE OF ITS APPROVAL.
16. THE PROVISIONS OF THIS PERMIT ARE REGULATORY AND NOT CONTRACTUAL. NO INTEREST OR RIGHT OF AN APPLICANT GRANTED BY THIS PERMIT MAY BE TRANSFERRED TO ANOTHER EXCEPT BY WRITTEN CONSENT OF THE CITY OF BROOKHAVEN.
17. THIS PERMIT MAY BE REVOKED AT THE DISCRETION OF THE CITY OF BROOKHAVEN UPON THIRTY (30) DAYS WRITTEN NOTICE TO THE PERMITTEE.
18. ANY UTILITY CUT MADE WITHIN THE ROADBED OF ANY CITY ROAD SHALL BE REPLACED AS REQUIRED BY THE CITY OF BROOKHAVEN STANDARD DRAWING 804. IN ADDITION, SAID CUT SHALL BE PLATED UNTIL SUCH TIME AS THE CONCRETE HAS CURED TO DESIGN COMPRESSIVE STRESS AND PROMPTLY ASPHALTED.
19. PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ANY OTHER STATE AND FEDERAL PERMITS NECESSARY FOR WORK PERFORMED UNDER THIS PERMIT.
20. THE PERMITTEE'S ATTENTION IS DRAWN TO THE REQUIREMENTS OF THE GEORGIA SEDIMENTATION AND EROSION CONTROL ACT. IF STRICT ADHERENCE TO THOSE REQUIREMENTS ARE NOT MET, THE CITY HAS THE AUTHORITY TO REVOKE THIS PERMIT.

SPECIAL PROVISIONS